

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 946

Introduced by Hadley, 37.

Read first time January 14, 2010

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to child support; to provide for postsecondary
- 2 education subsidy orders; and to provide a duty for the
- 3 Revisor of Statutes.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A court may include in a child-support
2 order a postsecondary education subsidy for a child if good cause
3 is shown. In determining whether good cause exists for ordering
4 a postsecondary education subsidy, the court shall consider the
5 age of the child, the academic ability of the child relative to
6 postsecondary education, the child's financial resources, and the
7 financial condition of each parent. If the court determines that
8 good cause is shown for ordering a postsecondary education subsidy,
9 the court shall determine the amount of subsidy as follows:

10 (a) The court shall determine the cost of postsecondary
11 education based upon the in-state cost of attending a public
12 postsecondary educational institution for a course of instruction
13 leading to an undergraduate degree and shall include the reasonable
14 costs for only necessary postsecondary educational expenses. Costs
15 shall include tuition, mandatory fees, books, and room and board;

16 (b) The court shall then determine the amount, if
17 any, which the child may reasonably be expected to contribute,
18 considering the child's financial resources, including, but not
19 limited to, the availability of financial aid whether in the form
20 of scholarships, grants, or student loans, and the ability of the
21 child to earn income while attending school; and

22 (c) The child's expected contribution shall be deducted
23 from the cost of postsecondary education and the court shall
24 apportion responsibility for the remaining cost of postsecondary
25 education to each parent. The amount paid by each parent shall not

1 exceed fifty percent of the total cost of postsecondary education
2 but may vary as to each parent.

3 (2) A postsecondary education subsidy shall be payable to
4 the child, to the educational institution, or to both but shall not
5 be payable to the custodial parent.

6 (3) A postsecondary education subsidy shall not be
7 awarded if the child has repudiated the parent by publicly
8 disowning the parent, refusing to acknowledge the parent, or
9 by acting in a similar manner.

10 (4) The child shall forward reports of grades awarded
11 at the completion of each academic session to each parent within
12 ten days after receipt of the reports. Unless otherwise specified
13 by the parties, a postsecondary education subsidy awarded by the
14 court shall be terminated upon the child's completion of the
15 first calendar year of course instruction if the child fails to
16 maintain a minimum cumulative grade point average to continue in
17 the educational institution as determined by the institution.

18 (5) Orders made pursuant to this section shall mention
19 only those factors relevant to the particular case for which the
20 orders are made but, at a minimum, shall contain the names, birth
21 dates, addresses, and counties of residence of the petitioner and
22 respondent.

23 (6) For purposes of this section, postsecondary education
24 subsidy means an amount which either of the parties may be required
25 to pay under a temporary order or final judgment or decree for

1 educational expenses of a child who is between the ages of nineteen
2 and twenty-three years if the child is regularly attending a
3 course of vocational-technical training either as a part of a
4 regular school program or under special arrangements adapted to
5 the individual person's needs; is, in good faith, a full-time
6 student in a college, university, or community college; or has
7 been accepted for admission to a college, university, or community
8 college and the next regular term has not yet begun.

9 Sec. 2. The Revisor of Statutes shall assign section 1 of
10 this act to Chapter 42, article 3.